

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHIFTPIXY, INC.,

Plaintiff,

-v-

ACCESS2 FINANCIAL, INC. and GREGORY BERGMAN,

Defendants,

22 Civ. 5686 (PAE)

ORDER

SHIFTPIXY, INC.,

Plaintiff,

-v-

GREGORY BERGMAN,

Defendant,

21 Civ. 7135 (PAE)

PAUL A. ENGELMAYER, District Judge:

The Court thanks counsel for the proposed case management plan submitted in case 22cv5686, *Shiftpixy, Inc. v. Access2 Financial, Inc.* (“*Access2 Financial*”). In accordance with the Court’s Individual Rules and Practices, the Court orders that, by September 9, 2022, the parties jointly resubmit a proposed case management plan that more clearly addresses the following issues.

First, the proposed plan is inconsistent with the plan in place in the consolidated case 21cv7135, *Shiftpixy, Inc. v. Bergman* (“*Bergman*”), 21cv7135 Dkt. 15, both as to whether a jury trial is requested and as to the length of such a trial. The Court directs the parties to clarify their intentions as to this point, as the Court presumes that the parties do not envision separate trials in

*Access2 Financial* and *Bergman*. The parties should set out their views in a letter and in a proposed case management plan consistent with the letter.

Second, the parties shall update the language in the plan regarding pretrial submissions to accord with the template found in the Court's Individual Rules, *see* <https://www.nysd.uscourts.gov/hon-paul-engelmayer>. The Court will set a deadline for a joint pretrial order and associated pretrial submissions during the case management conference.

Third, the parties shall leave blank the date for the case management conference, which will cover the consolidated cases. That conference is currently scheduled for September 22, 2022, *see* Dkt. 15 in 22cv5686. As it now appears likely that a criminal jury trial will be in progress that day, the Court must adjourn the conference, and will instead hold it on Friday, September 23, 2022 at 11 a.m., a date the Court will insert in the proposed case management plan upon its approval.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: September 2, 2022  
New York, New York